

SxS: Linking Investors and Nursing Home Quality (LINHQ) Act (H.R. 8624)

Introduced by Reps. Jan Schakowsky and Mark Takano

SECTION 1: SHORT TITLE

SECTION 2: REGULATING OWNERSHIP OF SKILLED NURSING FACILITIES AND NURSING FACILITIES

- Requires a covered nursing facility and parties with an ownership interest in such facility to disclose ownership and financial information each year, down to the 5% ownership level and within 30 days of deadline. If timely reporting is missed, the nursing home will not be able to accept new admissions and will not be permitted to receive payments until 5 days following compliance with reporting and any additional quality metric corrections, as determined by the Secretary.
- The Secretary shall establish quality metrics, considering input from the Data Liaison Team, that may be used to evaluate the quality of care furnished by each covered nursing facility. The Secretary shall specify standards with respect to quality measured, considering input from the Data Liaison Team. Such standards shall include, with respect to the metric relating to the average number of direct care hours furnished to residents, a standard of at least 4.1 direct care hours furnished per resident, per day.
- Facilities will be notified if they are deemed noncompliant. Noncompliant facilities will be published on the Care Compare website.
- Creates a Data Liaison Team within CMS to identify patterns in nursing home ownership linked to nursing homes that do not comply with reporting requirements; in the preceding quarterly reporting period, fail to meet a payroll-based journal level of 4.1 hours of direct resident care hours per resident per day; or, in the preceding year of reporting, failed to meet any quality standards established by the Secretary. The team has authority to request additional financial documentation from the IRS, to assess potential misuse of Medicare and Medicaid payments. The team will report to the Interagency Board poor quality nursing homes and nursing homes that are noncompliant with ownership reporting.
- Establishes an Interagency Board that will include the Administrator of CMS (or designee), Inspector General of the Office of Inspector General of HHS (or designee), the Attorney General of the DOJ (or designee), and other employees of these agencies as needed. The Interagency Board will determine which entities referred to it via the Data Liaison Team should be referred to the Office of Inspector General of HHS and the DOJ for further investigation. In addition, the Interagency Board must submit to Congress a biannual report on the findings made by and the result from any referrals by the Interagency Board, including any reason for not pursuing action on referrals if action was not taken.

SECTION 3: FUNDING FOR NATIONAL DEMONSTRATION PROJECTS ON CULTURE CHANGE AND USE OF INFORMATION TECHNOLOGY IN NURSING HOMES.

- Amends ACA language meant to create two demonstration programs at CMS by setting a fiscal year 2023 date for implementation.
- Grants awarded under one of the two demonstration projects implemented must be awarded to nursing homes which focus their care on low-income residents or residents of racial/ethnic minorities.
- The demonstration project shall be implemented for a period not to exceed 5 years and shall begin no later than one year after the date of enactment.
- The Culture Change demonstration is authorized to receive \$50,000,000 in appropriated funds for fiscal years 2023-2027.
- The Information Technology demonstration is authorized to receive \$30,000,000 in appropriated funds for fiscal years 2023-2027.